

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SEBASTIAN WILLIE MEJIA, #1611019	§	
VS.	§	CIVIL ACTION NO. 6:18cv462
CAROL E. MONROE, ET AL.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On September 29, 2021, Judge Mitchell issued a Report and Recommendation (Docket No. 32), recommending that Plaintiff's motion to voluntarily dismiss his case pursuant to Fed. R. Civ. P. 41(a)(1) (Docket No. 30) should be granted and that Plaintiff's case should be dismissed without prejudice.

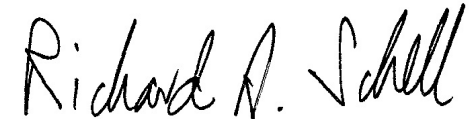
This court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The court, therefore, reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert.*

denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the court finds no clear error or abuse of discretion and no conclusions contrary to law. The court, therefore, adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 32) as the findings of this court.

It is accordingly **ORDERED** that the Magistrate Judge's Report (Docket No. 32) is **ADOPTED**. It is further **ORDERED** that Plaintiff's motion to voluntarily dismiss his action pursuant to Fed. R. Civ. P. 41(a)(1) (Docket No. 30) is **GRANTED**. It is further **ORDERED** that Plaintiff's lawsuit is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(a)(1). All pending motions not previously ruled upon are **DENIED** as **MOOT**.

SIGNED this the 6th day of November, 2021.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE